

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

**DIVISION TWO**

SCOTT McCABE,	) No. ED103325
	)
Movant/Appellant,	) Appeal from the Circuit Court of
	) the City of St. Louis
vs.	)
	) Honorable Edward W. Sweeney, Jr.
STATE OF MISSOURI,	)
	)
Respondent.	) Filed: May 17, 2016

Scott McCabe (Movant) appeals the judgment of Circuit Court of the City of St. Louis denying his Rule 24.035 motion for post-conviction relief without an evidentiary hearing. Movant argues that the motion court clearly erred by denying his motion for post-conviction relief because he established facts unrefuted by the record that his plea counsel was ineffective for advising him that if he entered a blind plea of guilty, he would be sentenced to a long-term drug treatment program, and as a result, Movant's plea was involuntary.

REVERSED AND REMANDED.

Division Two Holds:

Movant's amended motion was untimely filed and the motion court is required to conduct an independent abandonment inquiry.

Opinion by: Philip M. Hess, P.J.  
Gary M. Gaertner, Jr., J. and Angela T. Quigless, J. concur.

Attorney for Appellant: Kristina S. Olson

Attorney for Respondent: Christine K. Lesicko

<b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b>
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